



**Prepared Statement of
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before the Subcommittee on Intelligence, Information
Sharing, and Terrorism Risk Assessment
Committee on Homeland Security
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***Federal Support for Homeland Security Information Sharing: The Role of the Information
Sharing Program Manager***

Chairman Simmons, Ranking Member Lofgren, distinguished members of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment: It is an honor to appear before you today to discuss the important issue of government-wide counterterrorism information sharing and the role of the Program Manager.

At the outset, I want to commend you for holding this hearing. Information sharing across our government benefits directly from the focus you bring to it. Those who are charged with improving information sharing need your oversight and support.

The guidance you provide will help break down barriers to information sharing among the authorities in our federal, state, and local levels of government.

It is my firm belief that no single step is more important than information sharing as a way to strengthen our intelligence and thus ensure the safety and security of the American people.

I. What the 9/11 Commission Found

Poor information sharing was the single greatest failure of our government in the lead-up to the 9/11 attacks. The failure to share information adequately, within and across federal agencies, and from federal agencies to state and local authorities, was a significant contributing factor to our government's missteps in understanding and responding to the growing threat of al Qaeda in the years before the 9/11 attacks. There were several missed opportunities to disrupt the 9/11 plot. Most of them involved the failure to share information.

The 9/11 Commission found that the biggest impediment to all-source analysis—to a greater likelihood of connecting the dots—is the human or systemic resistance to sharing information.

We believe the “need-to-share” principle must be accorded much greater weight in the balance with the longstanding “need-to-know” principle of information protection.

Given the changes necessary across the government, it is clear to us that no single agency can bring about these changes alone. Only presidential leadership, with robust congressional oversight, can bring about the necessary changes in information sharing.

II. Recommendations to Improve Information Sharing

The 9/11 Commission made two recommendations to improve information sharing:

First, “Information procedures should provide incentives for sharing, to restore a better balance between security and shared knowledge.” (*The 9/11 Commission Report*, p. 417)

Second, “The president should lead the government-wide effort to bring the major national security institutions into the information revolution. He should coordinate the resolution of the legal, policy, and technical issues across agencies to create a “trusted information network.” (*The 9/11 Commission Report*, p. 418)

III. The Intelligence Reform and Terrorism Prevention Act of 2004

Last December, President Bush signed into law the *Intelligence Reform and Terrorism Prevention Act of 2004* (IRTPA). The Act drew upon the 9/11 Commission’s recommendations and created a program manager for information sharing. Specifically, Section 1016 directs the program manager to “facilitate information sharing between Federal departments and agencies and State, tribal, and local governments . . . and the private sector.”

In April the President selected Mr. John Russack for that important post. An executive order placed Mr. Russack’s office under the new office of the Director of National Intelligence.

The Act also called for the establishment of an Information Sharing Council (ISC). On October 25, President Bush issued an executive order creating the ISC, which will bring together the heads of at least 12 federal agencies to provide advice on how to share information about potential terrorist activity. The President has asked these top officials to assist the program manager to ensure that counterterrorism information is broadly shared across the federal government and among state and local authorities, and the private sector.

IV. Information Sharing Still Far from Optimal

Despite the enactment of the statute, and the creation of the office of Program Manager, we have made minimal progress toward the establishment of a seamless information sharing system. You can change the law, you can change the technology, but you still need to change the culture; you still need to motivate institutions and individuals to share information.

We commend Mr. Russack and his small team: they are demonstrating a strong commitment to enhancing information sharing. Congress has authorized, but not yet appropriated, funding for

the Program Manager's office. The Information Sharing Program Manager needs strong congressional oversight and support so that it can accomplish its important mission.

We note that the National Counterterrorism Center has implemented a system in which analysts have access to streams of information from 26 different systems. Representatives of those agencies involved in counterterrorism have access to this pool of information within the NCTC. This is a positive development at the federal level but this is too narrow.

Agencies still control the information they produce. They view it as their property, rather than the property of the entire government, and the property of the American people. For information sharing to work, the right information must get to the right person at the right time. Moreover information sharing with state and local authorities has only marginally improved.

V. Poor Information Sharing with State and Local Authorities

Frankly, my fellow Commissioners and I are troubled by stories we have heard from federal, state, and local officials with knowledge of the state of information sharing. They tell us they do not get the information they need from the federal government. Communication and collaboration between the Department of Homeland Security (DHS) and state homeland security officials nationwide is not what it should be. Communication between the FBI and local law enforcement also falls short.

Historically, federal law enforcement agencies have been unwilling to share information with their state and local counterparts. Distrust continues to exist between federal and local partners. State and local officials, for their part, traditionally have kept information to themselves, and have been frustrated by the lack of a system into which to feed their information. Federal authorities need to build confidence with state and local officials by developing systems on which they are trained, a broad concept of operations they understand, and a standard reporting procedure that they know how to use.

Federal agencies cannot expect state and local officials to cooperate with them if they do not provide reliable and consistent leadership. The recent controversy over the credibility of a threat to New York City's subway system is a case in point. On October 6, the New York Police Department reacted to information from the FBI which suggested the system was at risk of being attacked in the next few days. DHS, however, took a different position, and evaluated the information as less than credible.

I believe the NYPD acted responsibly, based on the information it was given. But clearly in a dynamic situation such as this, there needs to be far better coordination between federal and local authorities. Action cannot wait until final analysis of intelligence is made. But the federal government needs to do a better job in sending a consistent message to local officials as a situation develops, both in how the threat is evaluated and acted upon.

Relationships with state and local authorities need to be strengthened. State and local authorities need to know that the information they provide to DHS will be properly integrated and not ignored. They need to know that DHS will provide the necessary information to them in return.

We hear reports that the FBI does not recognize clearances granted by DHS to state and local authorities. A police chief could not visit his own officers detailed to an FBI Joint Terrorist Task Force, because his clearances did not come through the FBI.

State and local officials have been unable to get secure telephones for conversations with federal officials about sensitive information. Therefore, necessary conversations take place late if they take place at all.

Understandably, state and local officials resent being cut out of the information loop.

The information sharing provisions of Intelligence Reform and Terrorist Prevention Act, which are intended to implement common standards and bring feuding federal, state, and local agencies together, are still a long, long way from being implemented. Given the urgency of the threat, this is unacceptable. We must do better. And we must do it sooner rather than later.

VI. Scorecard on Information Sharing

On October 20, the former 9/11 Commissioners issued a scorecard evaluating progress the government has made in implementing the Commission's recommendations concerning institutional reform in the aftermath of 9/11. Here's what we said with respect to our two recommendations on information sharing:

INCENTIVES FOR INFORMATION SHARING

"Information procedures should provide incentives for sharing, to restore a better balance between security and shared knowledge." (p. 417)

Grade: MINIMAL PROGRESS

What has happened: According to the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458), the President shall require the heads of federal departments and agencies to promote a culture of information sharing by both reducing disincentives and providing affirmative incentives for sharing information. The DNI also has responsibility for establishing policies and procedures to ensure the maximum availability of, and access to, intelligence information within the intelligence community. A program manager has been designated by the President as responsible for information sharing across the federal government. This office is still a start-up. So far, if there have been changes in incentives, in favor of information sharing, they have been negligible.

Why this is still important: The 9/11 story included numerous examples of how a mentality of limiting information sharing to those with a "need to know" in fact kept information from getting to the right people at the right time. Cultures will not change without policies in place that actively encourage such change, and without the sustained implementation of those policies.

What needs to be done: The President and the DNI need to make change in the culture of information sharing a priority through clear and visible support. They need to develop positive

incentives for information sharing to balance the many disincentives on the books. Personnel should be evaluated on how well they share information rather than how well they hoard it. Agency leaders should be evaluated on how well they create an environment that promotes sharing. Information sharing must be improved not only across the federal government but with state and local authorities.

PRESIDENT SHOULD LEAD NATIONAL SECURITY INSTITUTIONS INTO THE INFORMATION REVOLUTION

“The president should lead the government-wide effort to bring the major national security institutions into the information revolution. He should coordinate the resolution of the legal, policy, and technical issues across agencies to create a ‘trusted information network.’” (p. 418)

Grade: MINIMAL PROGRESS

What has happened: The Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458) required that the President create an information sharing environment to provide and facilitate the means for sharing information through the use of policy guidelines and technologies. Within the intelligence community, the DNI has all necessary support and authorities from the President to ensure maximum availability of and access to intelligence information. Outside the intelligence community, a program manager has been designated by the President as responsible for information sharing across the federal government, yet there are few signs of the actual implementation of a “trusted information network.” The program manager does not yet have the personnel and resources necessary to assert authority across the federal government.

Why this is still important: Only with White House leadership can legal and policy obstacles be overcome to bring our national security institutions into the information revolution.

What needs to be done: The President needs to make information sharing a priority. Designating officials to be in charge is not enough; they need resources and active presidential backing to change the information systems that enable information sharing, the policies and procedures that compel sharing, and the systems of performance evaluation so that personnel are appraised on how they carry out information sharing.

We noted that the Director of National Intelligence needs to be a driving force to improve information sharing but that he must be given strong support by the President. Ten months have passed under the new law. Progress is minimal. To his credit, the DNI is seized with the issue of information sharing, but the horses are barely out of the gate. He must press the issue and press it very hard. We said that the DNI will be judged in part on information sharing. His customers are not just in the federal government; they are state and local officials as well.

VII. Next Steps

Mr. Russack, who has one of the most difficult jobs in government, will need strong support as he seeks to resolve the legal, policy, and technical problems that impede information sharing.

I urge the Homeland Security Committee to do the following:

First, to press the Congress to insure that the Program Manager gets the funding, resources and personnel he needs to carry out his mission.

Second, the Program Manager will need strong support from the President and the direct engagement of senior leadership of the Homeland Security Council.

Third to press the Executive branch to produce the information sharing reports required by law. The September guidelines from the President to the Executive agencies are late. The December report is a crucial report – spelling out an Information Sharing Environment for the entire government. This report is the implementation plan for information sharing. I urge this Committee to make the completion of this report – and its implementation – a high priority.

Fourth, I believe this Committee should revisit the question as to whom the Program Manager reports. Currently, he reports to the DNI, but his responsibilities go beyond information sharing inside the intelligence community and include the facilitation of information sharing for other federal agencies, state, local and tribal authorities, and the private sector.

Information sharing is not just a federal problem, it's a national problem. The Program Manager should be placed in charge of the policy committees that are charged with improving information sharing across the government. Congress should consider whether he would be more effective if he were placed in the executive office of the president with direct line authority from the president.

VIII. Conclusions

Mr. Chairman, we need to change from a system in which the originating agency of classified information is the sole arbiter of which other agencies (federal, state, or local) is allowed to see the information. This is far too restrictive for the flexible adversary we face. Information collected by any federal agency is the property of the federal government and by extension the property of the American people.

The right information must be made available instantly, at all levels of government and to the private sector, to those men and women who have both the mission and the means to act against our enemies before they can act against us.

Success requires that the flow of information be not just a one-way street. Federal, state and local agencies must exchange intelligence, and cooperate in planning and executing joint operations.

The actions of those who would do us harm are not under our control. But our system of information sharing is under our control. It demands urgent attention. We can fix it. There will be no excuse for a future failure if we do not.

I commend this Committee for its important attention to information sharing. I look forward to working with you, and would be pleased to answer your questions.